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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/482,032 01/13/00 BULL

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EXAMINER

TM02/0716

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KALINOWSKI, A

ART UNIT

PAPER NUMBER

2166

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/482,032

Applicant(s)
Bull

Examiner
Alexander Kalinowski

Art Unit
2166



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Mar 2, 2000
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 33-44 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 33-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 3
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

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DETAILED ACTION

1. Claims 33-44 are presented for examination. Of originally filed claims 1-32, Applicant filed a preliminary amendment on 1/13/200, canceling 1 and adding claims 33-40. Applicant filed a second preliminary amendment on 1/13/200 canceling claims 2-32. Applicant further filed a third preliminary amendment on 3/2/2000 adding claims 41-44.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321© may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 32-44 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5 of U.S. Patent No. 5,901,287. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims in the instant application are broader than the claims in the '287 patent.

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As to claim 33, the '287 patent discloses a method for managing information using an intermediary gateway device having a corresponding network address (claim 1), the method comprising the steps of:

receiving a request to communicate with a network accessible datastore having a particular network address (i.e. communicating between said network addressable interface device and a plurality of network addressable datastores ... and accessing, retrieving and processing data in said datastores passing from said datastores to said network addressable interface device through an intermediary gateway system ...);

modifying the particular network address of the datastore to reflect the address of the intermediary gateway device (i.e.... modifying an address of said datastores to direct data through said intermediary gateway system ... modifying each URL ...); and

providing access to the network addressable datastore (through the intermediary gateway device) using the modified address of the network addressable datastore accessing, retrieving and processing data in said datastores passing from said datastores to said network addressable interface device through an intermediary gateway system ...)

The instant claim is broader than the claim in the '287 patent since the instant claim comprises fewer steps than the steps in claim 1 of the '287 patent. It would have been obvious to one of ordinary skill in the art at the time of Applicants invention to broaden the steps in claim 1 of the '287 patent in order to make the method more efficient and less costly.

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As to claim 34, the '287 patent discloses the method of claim 33, wherein the modifying step further includes the substep of: modifying the particular network address of the datastore to include the address of the intermediary gateway device (i.e.... modifying an address of said datastores to direct data through said intermediary gateway system ... modifying each URL ...).

Claims 35-44 are similar in scope to claims 33 and 34 and are rejected on the same basis.

Claim Rejections - 35 USC § 102

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

4. Claims 33-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Damico et al., Pat No. 5,819,285 (hereinafter Damico).

As to claim 33, Damico discloses a method for managing information using an intermediary gateway device having a corresponding network address (i.e. see Fig. 1, site 122a), the method comprising the steps of:

receiving a request to communicate with a network accessible datastore having a particular network address (i.e. a signal is received at the first location (i.e. intermediate gateway

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device) indicating that the user wishes to move to a the second location on the WWW)(col. 3, lines 15-22 and col. 5, lines 29-34);

modifying the particular network address of the datastore to reflect the address of the intermediary gateway device (i.e. a destination URL is formed with redirecting means by substituting the destination URL portion in place of the second portion in the URL wherein the destination URL represents a relative address of the second location on the WWW)(col. 3, lines 22-31 and col. 5, lines 38-47); and

providing access to the network addressable datastore (through the intermediary gateway device) using the modified address of the network addressable datastore (i.e. the user is then moved to the second location on the WWW in accordance with the destination URL)(col. 3, lines 31-34 and col. 5, lines 47-50).

As to claim 34, Damico discloses the method of claim 33, wherein the modifying step further includes the substep of: modifying the particular network address of the datastore to include the address of the intermediary gateway device (i.e. a destination URL is formed with redirecting means by substituting the destination URL portion in place of the second portion in the URL WHEREIN the destination URL represents a relative address of the second location on the WWW)(col. 3, lines 22-34 and col. 5, lines 38-50).

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As to claim 35, Damico discloses a computer for managing information using an intermediary gateway device having a corresponding network address (i.e. see Fig. 1, site 122a), the computer comprising:

a memory having program instructions (col. 5, lines 14-23); and

a processor, responsive to the program instructions (col. 5, lines 14-23), configured to:

receive a request to communicate with a network accessible datastore having a particular network address (i.e. a signal is received at the first location (i.e. intermediate gateway device) indicating that the user wishes to move to a the second location on the WWW)(col. 3, lines 15-22 and col. 5, lines 29-34);

modify the particular network address of the datastore to reflect the address of the intermediary gateway device (i.e. a destination URL is formed with redirecting means by substituting the destination URL portion in place of the second portion in the URL WHEREIN the destination URL represents a relative address of the second location on the WWW)(col. 3, lines 22-31 and col. 5, lines 38-47); and

provide access to the network addressable datastore through the intermediary gateway device using the modified address of the network addressable datastore (i.e. the user is then moved to the second location on the WWW in accordance with the destination URL)(col. 3, lines 31-34 and col. 5, lines 47-50).

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As to claim 36, Damico discloses the computer of claim 35, wherein the processor is further configured to: modify the particular network address of the datastore to include the address of the intermediary gateway device (i.e. a destination URL is formed with redirecting means by substituting the destination URL portion in place of the second portion in the URL WHEREIN the destination URL represents a relative address of the second location on the WWW)(col. 3, lines 22-34 and col. 5, lines 38-50).

As to claim 37, Damico discloses a computer-readable medium containing instructions for controlling a data processing system to perform a method for managing information using an intermediary gateway device having a corresponding network address (i.e. see Fig. 1, site 122a and col. 5, lines 14-24), the method comprising the steps of:

receiving a request to communicate with a network accessible datastore having a particular network address (i.e. a signal is received at the first location (i.e. intermediate gateway device) indicating that the user wishes to move to a the second location on the WWW)(col. 3, lines 15-22 and col. 5, lines 29-34);

modifying the particular network address of the datastore to reflect the address of the intermediary gateway device (i.e. a destination URL is formed with redirecting means by substituting the destination URL portion in place of the second portion in the URL WHEREIN the destination URL represents a relative address of the second location on the WWW)(col. 3, lines 22-31 and col. 5, lines 38-47); and

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providing access to the network addressable datastore through the intermediary gateway device using the modified address of the network addressable datastore (i.e. the user is then moved to the second location on the WWW in accordance with the destination URL)(col. 3, lines 31-34 and col. 5, lines 47-50).

As to claim 38, Damico discloses the method of claim 37, wherein the modifying step further includes the substep of: modifying the particular network address of the datastore to include the address of the intermediary gateway device (i.e. a destination URL is formed with redirecting means by substituting the destination URL portion in place of the second portion in the URL WHEREIN the destination URL represents a relative address of the second location on the WWW)(col. 3, lines 22-34 and col. 5, lines 38-50).

As to claim 39, Damico discloses an apparatus for managing information using an intermediary gateway device having a corresponding network address (i.e. see Fig. 1, site 122a), the apparatus comprising:

means for receiving a request to communicate with a network accessible datastore having a particular network address (i.e. a signal is received at the first location (i.e. intermediate gateway device) indicating that the user wishes to move to a the second location on the WWW)(col. 3, lines 15-22 and col. 5, lines 29-34);

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means for modifying the particular network address of the datastore to reflect the address of the intermediary gateway device (i.e. a destination URL is formed with redirecting means by substituting the destination URL portion in place of the second portion in the URL WHEREIN the destination URL represents a relative address of the second location on the WWW)(col. 3, lines 22-31 and col. 5, lines 38-47); and

means for providing access to the network addressable datastore through the intermediary gateway device using the modified address of the network addressable datastore (i.e. the user is then moved to the second location on the WWW in accordance with the destination URL)(col. 3, lines 31-34 and col. 5, lines 47-50).

As to claim 40, Damico discloses the apparatus of claim 39, wherein the modifying means further includes: means for modifying the particular network address of the datastore to include the address of the intermediary gateway device (i.e. a destination URL is formed with redirecting means by substituting the destination URL portion in place of the second portion in the URL wherein the destination URL represents a relative address of the second location on the WWW)(col. 3, lines 22-34 and col. 5, lines 38-50).

As to claim 41, Damico discloses a computer-implemented method for managing information (i.e. see Fig. 1, site 122a), the method comprising the steps of:

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providing an intermediary gateway device for communicating with network accessible datastores (i.e. see Fig. 1, site 122a);

receiving a request at the intermediary gateway device to communicate with a particular network accessible datastore having a corresponding network address (i.e. a signal is received at the first location (i.e. intermediate gateway device) indicating that the user wishes to move to a the second location on the WWW)(col. 3, lines 15-22 and col. 5, lines 29-34); and

providing access to the particular network accessible datastore through the intermediary gateway device using a network address that reflects the address corresponding to the particular network addressable datastore and an address of the intermediary gateway device (i.e. a destination URL is formed with redirecting means by substituting the destination URL portion in place of the second portion in the URL wherein the destination URL represents a relative address of the second location on the WWW)(col. 3, lines 22-34 and col. 5, lines 38-50).

As to claim 42, Damico discloses a computer for managing information (i.e. see Fig. 1, site 122a), the computer comprising:

a memory having program instructions (col. 5, lines 14-23); and

a processor, responsive to the program instructions (col. 5, lines 14-23), configured to:

provide an intermediary gateway device for communicating with network accessible datastores (i.e. see Fig. 1, site 122a);

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receive a request at the intermediary gateway device to communicate with a particular network accessible datastore having a corresponding network address; and

provide access to the particular network accessible datastore through the intermediary gateway device using a network address that reflects the address corresponding to the particular network addressable datastore and an address of the intermediary gateway device (i.e. a destination URL is formed with redirecting means by substituting the destination URL portion in place of the second portion in the URL wherein the destination URL represents a relative address of the second location on the WWW)(col. 3, lines 22-34 and col. 5, lines 38-50).

As to claim 43, Damico discloses a computer-readable medium containing instructions for controlling a data processing system to perform a method for managing information (i.e. see Fig. 1, site 122a and col. 5, lines 14-23), the method comprising the steps of:

providing an intermediary gateway device for communicating with network accessible datastores (i.e. see Fig. 1, site 122a);

receiving a request at the intermediary gateway device to communicate with a particular network accessible datastore having a corresponding network address (i.e. a signal is received at the first location (i.e. intermediate gateway device) indicating that the user wishes to move to a the second location on the WWW)(col. 3, lines 15-22 and col. 5, lines 29-34); and

providing access to the particular network accessible datastore through the intermediary gateway device using a network address that reflects the address corresponding to the particular

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network addressable datastore and an address of the intermediary gateway device (i.e. a destination URL is formed with redirecting means by substituting the destination URL portion in place of the second portion in the URL wherein the destination URL represents a relative address of the second location on the WWW)(col. 3, lines 22-34 and col. 5, lines 38-50).

As to claim 44, Damico discloses an apparatus for managing information (i.e. see Fig. 1, site 122a), the apparatus comprising:

- means for providing an intermediary gateway device for communicating with network accessible datastores (i.e. see Fig. 1, site 122a);

- means for receiving a request at the intermediary gateway device to communicate with a particular network accessible datastore having a corresponding network address (i.e. a signal is received at the first location (i.e. intermediate gateway device) indicating that the user wishes to move to a the second location on the WWW)(col. 3, lines 15-22 and col. 5, lines 29-34); and

- means for providing access to the particular network accessible datastore through the intermediary gateway device using a network address that reflects the address corresponding to the particular network addressable datastore and an address of the intermediary gateway device (i.e. a destination URL is formed with redirecting means by substituting the destination URL portion in place of the second portion in the URL wherein the destination URL represents a relative address of the second location on the WWW)(col. 3, lines 22-34 and col. 5, lines 38-50).

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Response to Arguments

5. Applicant's arguments filed on 1/13/2000 have been fully considered but they are not persuasive. Damico discloses a system that redirects users from a first location on the web (i.e. intermediate gateway device having a corresponding network address) to a second location (i.e. the datastore) on the World Wide Web (col. 3, lines 15-21). As described by Applicant on page 5 of Paper No. 2, the system modifies the address of the second location by including the address of the first location (i.e. the intermediary gateway device) within the address of the second location (col. 3, lines 19-31 and col. 5, lines 29-45). Finally, using the modified address, the system redirects the user to the second location on the World Wide Web (col. 3, lines 31-34 and col. 5, lines 48-50). Therefore, the system discloses Applicant's claimed invention and Applicant's arguments directed to Damico are non persuasive.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Pat No. WO 95/16956 discloses accessing remote services from a client node by means of a communications directory service.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Kalinowski, whose telephone number is (703) 305-2398. The examiner can normally be reached on Monday to Thursday from 8:30 AM to 6:00 PM. In addition, the examiner can be reached on alternate Fridays.

If any attempt to reached the examiner by telephone is unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached on (703) 305-9643. The fax telephone number for this group is (703) 305-0040.

Alexander Kalinowski



7/14/2001



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